IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO : 4584 of 1995

Between:

1 Tatikonda Peda Putraiah, S/o Late Sri Venkata Raju,
Navara , E.G.Dist.
2 Tatikonda Manikyam, W/o China Putraiah, Navara , E.G.Dist.
3 Tatikonda Achiraju, S/o China Putraiah, Navara , E.G.Dist.
4 Tatikonda Vishnamurthy,, S/o China Putraiah, Navara , E.G.Dist.
5 Tatikonda Satyanarayana, S/o China Putraiah,
Navara , E.G.Dist.
6 Tatikonda Jeevarathnam, S/o China Putraiah, Navara , E.G.Dist.
7 Akula Subayamma, W/o Venkataramana Murthy,
Navara , E.G.Dist.
8 Nunna Lakshmi Devi, W/o Ramakrishna, Navara, E.G.Dist.
9 Nunna Savitri Devi, W/o Veeraraju, Navara, Kakinada (M),

W.G.Dist.

..... PETITIONERS

AND

1 The III Addl. District Judge, Kakinada.
2 Pydah Venkanna Ramakrishnayya Choultry, Darksharama,

rep. by its Managing Trustee Sri Pydah Sreeramakrishan Murthy,

S/o Satyanarayana, Kakinada, E.G.Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any appropriate writ, order or direction more particularly Writ of Certiorari and call for the records on the file of the 1st respondent herein pertaining to A.T.A.No. 63/89 dt:18-7-94 confirming the order of the Prl. District Munsif, Kakinada, Dt:3.10.89 in ATC.No.77/82 and quash the same and issue any other Writ, order or direction as this Hon'ble court may please to deem fit and proper.

Counsel for the Petitioners: MR.DANTU SRINIVAS
Counsel for the Respondent No.1: GP FOR REVENUE
Counsel for the Respondent No.2: MR. M.V. SURESH

The Court made the following :

ORAL ORDER:

This Writ Petition is filed seeking a Writ of Certiorari and call for the records on the file of the first respondent pertaining to ATA No.63 of 1989 dated 18.07.1994 confirming the order of the Principal District Munsif, Kakinada, dated 03.10.1989 in ATC No.77 of 1982 and quash the same.

The first petitioner and one Tatikonda China Putraiah, who is father of petitioners 2 to 9, claim to be tenants of the schedule land belonging to the second respondent on an annual maktha of 345 bags of paddy payable by January of every year. It is alleged that during the year 1982-83 they raised seed beds and carried on agricultural operations diligently, but owing to failure of rains and consequential drought, the seedlings withered away and were damaged, resulting in failure of crop in the schedule land. It is submitted that they filed A.T.C. No.77 of 1982, seeking remission of maktha payable for the year 1982-83 under Section 8 of the Andhra Pradesh (Andhra Area) Tenancy Act (for short "the Act"), before the Special Officer-cum-Principal District Munsif, Kakinada, who by order dated 3-10-1989 dismissed the petition. Aggrieved thereby, they preferred appeal in A.T.A. No.63 of 1989 before the first respondent, who also dismissed the same by order dated
18-7-1994, confirming the order of the Special Officer. The petitioners submitted that the first respondent erroneously dismissed the appeal and no further appeal or revision is provided under the Act. Hence, the writ petition.

Heard the counsel on either side.

Learned counsel for the respondent No.2 contended that there was no failure of rains in the year 1982-83 as alleged by the petitioners and there was sufficient water supply for transplantation and hence the petitioners are not entitled for remission of rent.

A perusal of the record reveals that a Receiver was appointed and in the report filed by him, it is stated that nearly 386 kata bags of paddy was realized from the schedule land during the year 1982-83. It was observed that the said report does not mention about failure of rains and failure of crops during the said period. Having regard to the report of the Receiver, the Primary Tribunal rejected the plea of the petitioners, and the Appellate Tribunal concurred with it.

Inasmuch as the plea of the petitioners that no crop was realized on account of failure of rains and drought, during the year 1982-83, was negatived by the Primary Tribunal and the Appellate Tribunal concurrently, vis-a-vis the report of the Receiver, I see no reason to re-appreciate the said fact in this writ petition.

In that view of the matter, the writ petition has no merit and is accordingly dismissed. No costs.

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N.V. RAMANA, J

Date: 23-08-2004

Nsr/Svv

To

1. The III Additional District Judge, Kakiinada.
2. The Managing Trustee, Pydah Venkanna Ramakrishnayya Choultry, Draksharama, Kakinada, East Godavari District.

3. Two CCs to GP for Revenue, High Court of A.P., Hyderabad (OUT)

4. Two CD copies.